

REMARKS

Claims 1-41 are pending in this application and have been examined. Claims 1-7, 12-18, 21, 22, 24-33, 36, 37, and 39-41 stand rejected. Claims 8-10, 19, 20, 23, 34, 35, and 38 are objected to. The allowance of Claim 11 is noted with appreciation. To facilitate prosecution of this application Claims 1-3, 12, 14, 17, 27, 29, and 32 have been canceled without acquiescence to the Examiner's arguments and without prejudice to applicants' right to prosecute the canceled claims in a subsequent patent application. Claims 4-6, 8, 9, 13, 15, 16, 18-21, 24, 28, 30, 31, 33-36, and 39 have been amended, and new Claims 42-46 have been added. No new matter has been introduced. Reconsideration and allowance of Claims 4-11, 13, 15, 16, 18-26, 28, 30, 31, and 33-46 are respectfully requested.

The Objection to Claims

Claims 8-10, 19, 20, 23, 34, 35, and 38 have been objected to as being dependent on a rejected base claim. The Examiner has indicated that these claims would be allowable if rewritten in independent form. Claims 8, 19, and 34 have been rewritten in independent form. Claims 4-6, 9, 13, 15, 16, 18, 20, 21, 24, 28, 30, 31, 33, 35, 36, and 39 have been amended to depend from allowable Claims 8, 19, or 34. Original Claims 7, 10, 11, 22, 23, 25, 26, 37, 38, 40, and 41 indirectly depend from allowable Claims 8, 19, and 34. Withdrawal of this ground of objection is respectfully requested.

The Rejection of Claims Under 35 U.S.C. § 102(b)

Claims 1-4, 6, 7, 12-15, 17, 18, 21, 22, 24, 27, 29, 30, 32, 33, and 37-39 have been rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 2,198,991. Claims 1-3, 12, 14, 17, 27, 29, and 32 have been canceled. Claims 4, 6, 13, 15, 18, 21, 24, 30, 33, and 39 have been amended to depend from allowable Claims 8, 19, or 34. Claims 7, 22, 37, and 38 indirectly depend from allowable Claims 8, 19, or 34. Therefore, this ground of rejection is now moot.

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The Rejection of Claims Under 35 U.S.C. § 103(a)

Claims 5, 16, 25, 26, 31, 40, and 41 have been rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent No. 2,198,991. Claims 5, 16, and 31 have been amended to depend from allowable Claims 8 or 34. Claims 25, 26, 40, and 41, depend indirectly from allowable Claims 19 or 34. Therefore, this ground of rejection is now moot.

New Claims 42-46

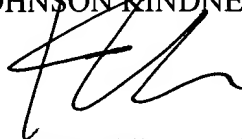
New Claims 42-46 depend from allowable Claims 8, 11, 19, and 34. New Claims 42, 45, and 46 specify that the treated fruit, vegetable or plant is an apple. Claims 43 and 44 are directed to a fruit or vegetable treated with the plant protective composition of Claim 11. Support for new Claims 42-46 is found throughout the specification, for example, at page 5, line 10, page 12, line 14 to page 17, line 14, page 26, lines 14-34. No new matter has been introduced.

CONCLUSION

In view of the foregoing amendments and remarks, Claims 4-11, 13, 15, 16, 18-26, 28, 30, 31, and 33-46 are believed to be in condition for allowance. If any issues remain that can be expeditiously addressed in a telephone interview, the Examiner is encouraged to telephone applicants' attorney at 206.695.1783.

Respectfully submitted,

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